

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAHUL MANCHANDA,

Plaintiff,

-against-

GOOGLE, YAHOO, MICROSOFT BING,

Defendants.

Civil Action No. 1:16-cv-03350 (JPO)(JCF)

**YAHOO INC.'S REQUEST FOR
JUDICIAL NOTICE**

Pursuant to Federal Rule of Evidence 201, and in support of its concurrently filed Motion to Dismiss, Defendant, Yahoo, Inc. (“Yahoo”), respectfully requests that the Court take judicial notice of (1) an order dismissing a virtually identical case brought by Plaintiff in the Supreme Court of the State of New York; and (2) the webpages located at the following URL addresses, which are identified in Paragraph 8 of Plaintiff’s Complaint:

1. <http://nypost.com/2015/06/01/woman-says-man-from-sugar-daddy-site-threatened-to-kill-her/>;
2. <http://www.ripoffreport.com/r/Manchanda-Law-Offices-Rahul-Manchanda/New-York-New-York-10005/Manchanda-Law-Offices-Rahul-Manchanda-Lets-unite-and-fight-this-guy-I-already-won-a-fee-337859>;
3. <http://www.ripoffreport.com/r/Rahul-Manchanda/internet/Rahul-Manchanda-Rahul-Dev-Manchanda-Manchanda-Law-FirmRahul-Manchanda-Rahul-Manchanda-F-1065994>;
4. <http://www.complaintsboard.com/complaints/manchanda-law-office-pllc-new-york-new-york-c382370.html>; and

5. <http://usacomplaints.com/shops-trade/594091-manchanda-law-firm-rahul-manchanda-complaints-reviews.html>

(Compl., ¶ 8; Dkt. No. 1). A true and correct copy of the State Court dismissal is attached as **Exhibit 1**. True and correct copies of printouts of the foregoing webpages, printed by the undersigned on May 12, 2016, are attached as **Exhibits 2-6**.

On a motion to dismiss under Fed. R. Civ. P. 12(b)(6), “the Court is limited to reviewing the complaint, any documents attached to the complaint or incorporated into it by reference, any documents that are ‘integral’ to the plaintiff’s allegations, even if not explicitly incorporated by reference, and facts of which the Court may take judicial notice.” *Biro v. Conde Nast*, 963 F. Supp.2d 255, 264 (S.D.N.Y. 2013) (citation omitted). A court may take judicial notice of facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Such sources include judicial opinions. *See, e.g., Hayes v. Perotta*, 751 F. Supp.2d 597, 599 (S.D.N.Y. 2010) (taking judicial notice of court proceedings, including transcripts and judicial opinions). “The court may take judicial notice at any stage of the proceeding.” Fed. R. Evid. 201(d). “[A] court should take judicial notice to determine what statements the documents contain[,] not for the truth of the matter asserted.” *Biro*, 963 F. Supp.2d at 265 (citation, internal quotation marks, brackets, and ellipses omitted).

The prior court order dismissing Plaintiff’s near-identical claims against is judicially noticeable because it “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Judicial notice of the webpages is appropriate because Plaintiff incorporates the webpages into the Complaint by reference. Additionally, because every cause of action Plaintiff seeks to hold Yahoo liable for is based entirely on the webpages

identified in Paragraph 8 of the Complaint, the webpages are “integral to the plaintiff’s allegations,” and judicially noticeable on that basis.

Accordingly, Yahoo respectfully requests that the Court take judicial notice of (1) the New York State Supreme Court’s dismissal of a near identical case brought by Plaintiff; and (2) the webpages identified in Paragraph 8 of the Complaint (and above), by either viewing the webpages on a computer, or reviewing the printouts attached as Exhibits 2-6.

Dated: May 12, 2016

Respectfully submitted,

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Attorneys for Defendant Yahoo Inc.

CERTIFICATE OF SERVICE

This is to certify that on this 12th day of May, 2016, I served a copy of the foregoing **Request for Judicial Notice** upon counsel for Plaintiff by sending it via Federal Express addressed as follows:

Rahul D. Manchanda, Esq.
MANCHANDA LAW OFFICE PLLC
30 Wall Street, 8th Floor
New York, New York 10005

A copy was also served via email to RDM@MANCHANDA-LAW.COM.

/s/ Jeremy A. Schachter
Jeremy A. Schachter